

CC Docket No. 02-6

**LETTER OF APPEAL
FEDERAL COMMUNICATIONS COMMISSION**

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St SW,
Room TW-A325
Washington, DC 20554

**REQUEST FOR REVIEW OF USAC APPEAL 19014 FOLLOWING DENIAL FROM
SLD**

Entity Number 145553
E-rate Year 2016
FCDL Date 10/10/2016
Form 471 Application 161045329
Funding Request Number 1699122472
Service Provider World Wide Technology, Inc.
Service Provider SPIN 143020028

Request

The Anchorage School District (ASD) respectfully appeals to the Federal Communications Commission to allow amendment to FY 2016 FCC Form 471 161045329, Funding Request Number (FRN) 1699122472 after receipt of the Funding Commitment Decision Letter, to align the request with FY 2016 FCC Form 470 160003090 and the submitted Contract C000226 for FRNs 1699122472 and 1699122576 with World Wide Technology, Inc. (SPIN 143020028).

Background

ASD submitted and certified FY 2016 FCC Form 471 161045329 in the E-rate Productivity Center (EPC) portal on 5/26/2016, prior to the deadline.

FY 2016 is the first year ASD applied for Category 2 funds and undertook a large and complex request. The complexity of this request is exhibited in both FY 2016 FCC Form 471 161045329 and the resulting \$2,986,235.07 amount committed by Universal Service Administrative

Company (USAC). While reconciling the request details across its 98 entities and navigating the updates to the EPC portal, ASD staff failed to enter an item from the source list that had been identified in FY 2016 FCC Form 470 160003090, its adjoining RFP, and the submitted Contract C000226 (Schedule E) for eligible installation of the requested items.

This clerical error was not discovered until receipt of the Funding Commitment Decision Letter (FCDL) dated 10/10/2016. As evidenced in the previous FY 2016 submissions, ASD fully intended to include all solicited and resulting contracted elements in FY 2016 FCC Form 471 161045329.

ASD appealed to the USAC Schools and Libraries Division (SLD) on 10/13/2016. USAC denied the appeal 230 days later on 5/31/2017, stating that additional funding requests cannot be submitted through the appeals process and after the issuance of the FCDL.

Rationale

The Commission itself notes in Order 06-54 that rigid compliance with USAC's application procedures does not further the purposes of 47 U.S.C. § 254(h) or serve the public interest, and denial of funding would inflict undue hardship on the applicants. SLD's denial of appeal 19014 jeopardizes approximately \$531,400 in reimbursement. ASD believes the SLD's denial was both based on rigid compliance with USAC's application procedures and that the dollar value at risk constitutes undue hardship.

The Commission also notes in Order 11-60 that applicants have been permitted to make substantive changes to their applications for other than clerical and ministerial errors even after receipt of their FCDLs, and that given the complexity and detail that is often involved in completing these forms and associated documentation recognizes that such errors may not be discovered until significantly after a request for funding was filed. ASD believes the Category 2 application process adds to the complexity already identified by the Commission, notes that FCC Order 11-60 predates both Category 2 and the EPC, and believes FCC Order 11-60 promotes leniency by USAC to allow applicants a longer opportunity to correct truly ministerial and clerical errors.

Further, regarding Order 11-60, Commissioner Copps commented on the difficulty reconciling technical problems preventing an applicant from interfacing with USAC's electronic filing system and the resulting consequences. ASD would like to note that though the EPC continues to improve, it is inadequately structured to promote peer review during form preparation for all applicants. The lack of peer review for an online application process directly impacted FRN

1699122472, would reduce the incidence of ministerial and clerical error overall, and likely reduce the number of appeals to both USAC and the Commission.

Summary

ASD solicited and contracted installation of eligible Category 2 items in compliance with and approved by USAC. ASD made a ministerial and clerical error during the Form 471 stage due to complexity and detail exacerbated by both the EPC and the Category 2 application process, and it wasn't discovered until after the request for funding was filed. The Commission has previously allowed for substantive changes to applications even after an applicant's receipt of their FCDLs in order to serve the public interest, and ASD hopes the Commission will do so again in this instance, reversing USAC appeal 19014 and allowing amendment to FY 2016 FCC Form 471 161045329, FRN 1699122472.

Respectfully,

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Enclosures

USAC_FCC_FORM_470_APPLICATION_160003090_CERTIFIED.pdf
USAC_FCC_FORM_471_APPLICATION_161045329_CERTIFIED.pdf
Contract C000226.pdf
Post Commit Request - 19014 - ANCHORAGE SCHOOL DISTRICT.xlsx